

AMENDED IN SENATE JULY 2, 2015  
AMENDED IN SENATE JUNE 9, 2015  
AMENDED IN ASSEMBLY APRIL 30, 2015  
AMENDED IN ASSEMBLY APRIL 15, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 864**

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**Introduced by Assembly ~~Member~~ Members Williams and Burke**  
(Principal coauthor: Senator Jackson)  
(*Coauthors: Assembly Members Chiu, Rendon, Mark Stone, Ting,  
and Wood*)

February 26, 2015

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An act to amend Sections 8670.28.5 and 8670.29 of the Government Code, relating to oil spill response.

### LEGISLATIVE COUNSEL'S DIGEST

AB 864, as amended, Williams. Oil spill response: environmentally and ecologically sensitive areas.

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act requires owners or operators of various facilities, including pipelines, while operating in the waters of the state or where a spill from the pipelines could impact state waters, to have an oil spill contingency plan submitted to, and approved by, the administrator for oil spill response to ensure prompt and adequate response and removal action in case of a spill. The act requires the operator to maintain a level of readiness that will allow effective implementation of the applicable contingency plan.

This bill would require the operators of pipelines in environmentally and ecologically sensitive areas of state waters or along the coasts of those areas to use the best ~~available~~ *achievable* technologies to reduce the amount of oil released in an oil spill to protect the state waters and wildlife, and to include a description of the use of those technologies in their oil spill contingency plans.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 8670.28.5 of the Government Code is  
2 amended to read:

3 8670.28.5. (a) An operator shall maintain a level of readiness  
4 that will allow effective implementation of the applicable  
5 contingency plans.

6 (b) An operator of a pipeline in environmentally and ecologically  
7 sensitive areas of state waters and along the coasts of those areas  
8 shall use best ~~available~~ *achievable* technology, including, but not  
9 limited to, the installation of *leak detection technology*, automatic  
10 shutoff ~~valves~~ *valves*, or remote controlled sectionalized block  
11 valves, or ~~both of those types of valves~~, *any combination of these*  
12 *technologies*, to reduce the amount of oil released in an oil spill  
13 to protect state waters and wildlife.

14 SEC. 2. Section 8670.29 of the Government Code is amended  
15 to read:

16 8670.29. (a) In accordance with the rules, regulations, and  
17 policies established by the administrator pursuant to Section  
18 8670.28, an owner or operator of a facility, small marine fueling  
19 facility, or mobile transfer unit, or an owner or operator of a tank  
20 vessel, nontank vessel, or vessel carrying oil as secondary cargo,  
21 while operating in the waters of the state or where a spill could  
22 impact waters of the state, shall have an oil spill contingency plan  
23 that has been submitted to, and approved by, the administrator  
24 pursuant to Section 8670.31. An oil spill contingency plan shall  
25 ensure the undertaking of prompt and adequate response and  
26 removal action in case of a spill, shall be consistent with the  
27 California oil spill contingency plan, and shall not conflict with  
28 the National Oil and Hazardous Substances Pollution Contingency  
29 Plan (NCP).

1 (b) An oil spill contingency plan shall, at a minimum, meet all  
2 of the following requirements:

3 (1) Be a written document, reviewed for feasibility and  
4 executability, and signed by the owner or operator, or his or her  
5 designee.

6 (2) Provide for the use of an incident command system to be  
7 used during a spill.

8 (3) Provide procedures for reporting oil spills to local, state,  
9 and federal agencies, and include a list of contacts to call in the  
10 event of a drill, threatened spill, or spill.

11 (4) Describe the communication plans to be used during a spill,  
12 if different from those used by a recognized incident command  
13 system.

14 (5) Describe the strategies for the protection of environmentally  
15 sensitive areas.

16 (6) Identify at least one rated OSRO for each rating level  
17 established pursuant to Section 8670.30. Each identified rated  
18 OSRO shall be directly responsible by contract, agreement, or  
19 other approved means to provide oil spill response activities  
20 pursuant to the oil spill contingency plan. A rated OSRO may  
21 provide oil spill response activities individually, or in combination  
22 with another rated OSRO, for a particular owner or operator.

23 (7) Identify a qualified individual.

24 (8) Provide the name, address, and telephone and facsimile  
25 numbers for an agent for service of process, located within the  
26 state and designated to receive legal documents on behalf of the  
27 owner or operator.

28 (9) Provide for training and drills on elements of the plan at  
29 least annually, with all elements of the plan subject to a drill at  
30 least once every three years.

31 (c) An oil spill contingency plan for a vessel shall also include,  
32 but is not limited to, all of the following requirements:

33 (1) The plan shall be submitted to the administrator at least  
34 seven days prior to the vessel entering waters of the state.

35 (2) The plan shall provide evidence of compliance with the  
36 International Safety Management Code, established by the  
37 International Maritime Organization, as applicable.

38 (3) If the oil spill contingency plan is for a tank vessel, the plan  
39 shall include both of the following:

40 (A) The plan shall specify oil and petroleum cargo capacity.

1 (B) The plan shall specify the types of oil and petroleum cargo  
2 carried.

3 (4) If the oil spill contingency plan is for a nontank vessel, the  
4 plan shall include both of the following:

5 (A) The plan shall specify the type and total amount of fuel  
6 carried.

7 (B) The plan shall specify the capacity of the largest fuel tank.

8 (d) An oil spill contingency plan for a facility shall also include,  
9 but is not limited to, all of the following provisions, as appropriate:

10 (1) Provisions for site security and control.

11 (2) Provisions for emergency medical treatment and first aid.

12 (3) Provisions for safety training, as required by state and federal  
13 safety laws for all personnel likely to be engaged in oil spill  
14 response.

15 (4) Provisions detailing site layout and locations of  
16 environmentally sensitive areas requiring special protection.

17 (5) Provisions for vessels that are in the operational control of  
18 the facility for loading and unloading.

19 (e) Unless preempted by federal law or regulations, an oil spill  
20 contingency plan for a railroad also shall include, but is not limited  
21 to, all of the following:

22 (1) A list of the types of train cars that may make up the consist.

23 (2) A list of the types of oil and petroleum products that may  
24 be transported.

25 (3) A map of track routes and facilities.

26 (4) A list, description, and map of any prestaged spill response  
27 equipment and personnel for deployment of the equipment.

28 (f) An oil spill contingency plan for a pipeline in  
29 environmentally and ecologically sensitive areas of state waters  
30 or along the coasts of those areas shall include a description of  
31 how the operators are using the best—~~available~~ *achievable*  
32 technology, including, but not limited to, installation of *leak*  
33 *detection technologies*, automatic shutoff—~~valves~~ *valves*, or remote  
34 controlled sectionalized block valves, or ~~both of those types of~~  
35 ~~valves~~, *any combination of these technologies*, to reduce the  
36 amount of oil released in an oil spill to protect state waters and  
37 wildlife.

38 (g) The oil spill contingency plan shall be available to response  
39 personnel and to relevant state and federal agencies for inspection  
40 and review.

1 (h) The oil spill contingency plan shall be reviewed periodically  
2 and updated as necessary. All updates shall be submitted to the  
3 administrator pursuant to this article.

4 (i) In addition to the regulations adopted pursuant to Section  
5 8670.28, the administrator shall adopt regulations and guidelines  
6 to implement this section. The regulations and guidelines shall  
7 provide for the best achievable protection of waters and natural  
8 resources of the state. The administrator may establish additional  
9 oil spill contingency plan requirements, including, but not limited  
10 to, requirements based on the different geographic regions of the  
11 state. All regulations and guidelines shall be developed in  
12 consultation with the Oil Spill Technical Advisory Committee.

13 (j) Notwithstanding subdivision (a) and paragraph (6) of  
14 subdivision (b), a vessel or facility operating where a spill could  
15 impact state waters that are not tidally influenced shall identify a  
16 rated OSRO in the contingency plan no later than January 1, 2016.